



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D.M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2303827
Applicant Name: Matt Wasse, for Gary Noyes
Address of Proposal: 2502 N 50th Street

SUMMARY OF PROPOSED ACTION

Master Use Permit for change of use of a portion of the second floor and mezzanine (totaling 882 square feet) of an existing mixed use building from commercial to residential use, for a total of five residential units and one commercial space at ground level. Parking for two additional parking spaces accessory to the residential uses (for a total of 6 spaces) will be provided onsite.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS
 ☒ DNS with conditions
 ☐ DNS involving non-exempt grading, or demolition, or
 another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

This proposal site located on the north side of N 50th Street one lot west of the intersection of N 50th St and 1st Avenue NE. The westernmost 10 feet of the lot is zoned SF 5000, with the eastern 40 feet zoned NC1-30'. The abutting property to the east, on the southwest corner of N 50th Street and 1st Avenue NE is zoned NC1-30 and is developed with a multipurpose convenience store. Properties abutting the north and the west of the subject site are zoned SF 5000 and developed with single-family residential uses. The site is relatively flat and developed with an existing mixed use building containing 3 stories of commercial space facing N 50th Street with four three-story residential units behind, permitted under DCLU construction permit #728094.

Parking for the residential units is contained within the ground floor of each unit. Parking is accessed by means of a curb cut off N 50th Street. There is a single street tree in the right-of-way adjacent the front property line.

Development in the area consists mainly of older residential structures. N 50th Street is classified as a principal arterial pursuant to SMC Chapter 23.53.

Proposal Description

The applicant proposes to make interior alterations to existing second floor and mezzanine spaces, previously permitted as commercial space and totally 882 square feet, to create an additional residential unit. Two covered and partially enclosed parking spaces accessory to the residential uses of the mixed-use building will be added at the north edge of the property. A ground floor area of 690 square feet with a street frontage of 23.66 feet and 30-foot of depth will remain in commercial use.

There will be no net increase in the existing building's floor area, but the increase from four to five residential units requires a State Environmental Policy Act (SEPA) review of potential impacts to the immediate environment.

The proposed residential use as part of a mixed-use development is allowed outright in the NC1 zone (SMC 23.47.028).

Public Comments

Public notice of the project application was published on June 19, 2003. The required public comment period ended on July 2, 2003. DCLU received one written comment regarding this proposal.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated May 6, 2003. The information in the checklist, project plans and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction materials hauling, equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian rights-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Due to the adjacency of single-family residential uses further conditioning pursuant to SEPA policies is warranted to limit the days and hours of construction. So conditioned, the project's anticipated adverse noise impacts will be adequately mitigated.

Parking

Short-term parking impacts involve additional parking demand generated by construction personnel and equipment. Residential streets in this neighborhood are generally close to full capacity for on-street parking. In the light of the general shortage of available on-street parking, DCLU determines that short-term parking related to construction must be mitigated. DCLU will therefore condition the project to provide that construction-related parking and construction-related deliveries will occur on-site when feasible, and will not otherwise occupy on-street parking in the surrounding neighborhood. During construction the applicant shall ensure that project workers adhere to the approved parking plan. So conditioned, the project's anticipated adverse short-term parking impacts will be adequately mitigated.

Long-term Impacts

Long-term or use-related impacts associated with approval of this proposal include increased ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare, and increased energy consumption. They are not considered significant because they are within the scope of those impacts anticipated by the zoning and/or are relatively minor in scope. Due to the nature of this proposal, it is expected that there will be an increase in vehicle trips to and from the site via N 50th Street, an underwidth Class 1 arterial which is substantially congested at certain hours of the day. The impact of two additional vehicles, however, on existing traffic conditions is not sufficiently adverse to warrant further mitigation by conditions. The proposed use is consistent with the current zoning and compatible with the surrounding residential, retail and commercial uses. Compliance with all applicable codes and ordinances is adequate to achieve sufficient mitigation of long term impacts and no further conditioning is warranted by SEPA policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS – SEPA

During Construction

The following conditions to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

1. The applicant(s) and/or responsible party(ies) shall ensure that construction-related parking occurs off street and does not impact on-street parking in the immediate neighborhood. Neighbors should address all complaints to Michael Dorcy, Land Use Planner, DCLU (206-615-1393).
2. The hours of construction-related activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and on Saturdays between the hours of 9:00 a.m. and 5:00 p.m. This condition may be modified by DCLU to allow work of an emergency nature or to allow outdoor landscaping work, accompanied by unmotorized hand tools only, outside of the restricted hours after approval from the Land Use Planner.

Signature: (signature on file) Date: September 29, 2003
Michael Dorcy, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services